

Exhibit 1

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UNCERTIFIED DRAFT TRANSCRIPT

1 N O T I C E

2 This transcript is an UNCERTIFIED ROUGH DRAFT
3 TRANSCRIPT ONLY. It contains the raw output from
4 the court reporter's stenotype machine translated
5 into English by the court reporter's computer,
6 without the benefit of proofreading. It will
7 contain untranslated steno outlines,
8 mistranslations (wrong words), and misspellings.

9 These and any other errors will be corrected
10 in the final transcript. Since this rough draft
11 transcript has not been proofread, the court
12 reporter cannot assume responsibility for any
13 error. This rough draft transcript is intended to
14 assist attorneys in their case preparation and is
15 not to be construed as the final transcript. It
16 is not to be read by the witness or quoted in any
17 pleading or for any other purpose and may not be
18 filed with any court.

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1 P R O C E E D I N G S

2 VIDEO TECHNICIAN: Good morning. We are
3 going on the record at 9:52 a.m. on June 25th,
4 2019.

5 Please note that the microphones are
6 sensitive and may pick up whispering, private
7 conversations, and cellular interference. Please
8 turn off all cell phones or place them away from
9 the microphones, as they can interfere with the
10 deposition audio.

11 Audio and video recording will continue
12 to take place unless all parties agree to go off
13 the record.

14 This is media unit 1 of the
15 video-recorded deposition of William H. Lehr, in
16 the matter of Sony Music Entertainment, et al., v.
17 Cox Communications, Inc., et al., filed in the
18 United States District Court, Eastern District of
19 Virginia, Case Number 1:18-cv-00950-L0-JFA.

20 This deposition is being held at
21 Winston & Strawn, located at 1700 K Street,
22 Northwest, Washington, D.C.

13 lot of that. And I think you've stated that if
14 you relied on any documents in this case,
15 generated from this case in discovery or exhibits
16 and you relied on them, that you've identified
17 them in your reports; is that true?

18 A. I believe that's a fair characterization.

19 Q. Is there any information that you
20 requested and didn't get in this case with regard
21 to information from the plaintiffs or the
22 defendants that you thought would be helpful?

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1 A. Well, I mean, I generally asked about
2 different sorts of data. For example, when I
3 wrote my initial report, we had some publicly
4 available data on Cox's business or, you know,
5 basically facts about the size of their business.
6 And I had made an estimate of, like, making
7 certain assumptions about what the value of the
8 business stuff was.

9 And then subsequent to that, additional
10 documents came out which, had I had at the time I
11 did my original report, I would have used.

12 And then I also saw a couple pages from,
13 you know, the audited financials. But it was my

14 understanding that the total document was not
15 provided. Certainly that total document, were it
16 provided, would be interesting. Whether or not it
17 would change any of my opinions or not, I can't
18 say until I see that whole document.

19 But often to interpret, you know,
20 financial things, you want to have some more
21 context to do them. I think that what was
22 provided to me for the purposes in which I've used

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1 it in my report, I feel like I understand it. But
2 I would -- you know, I'm always interested in
3 seeing more.

4 So I know that, you know, there's always
5 going to be some limitations to what you can get.
6 Seems to me, for example, in that context, knowing
7 that there are these audited statements, part of
8 which has been provided, having the whole thing
9 would be a useful thing to have, but I'm not sure
10 it would change anything or cause me to offer any
11 different opinions were I have it now or had it
12 before.

13 Q. Okay. Have you ever not been qualified
14 as an expert in a case? In other words, you were

15 challenged as an expert and the court or tribunal
16 ruled that you were not an expert in that case and
17 could not testify. Has that ever happened to you?

18 A. I don't believe I've ever been certified
19 not as an expert for the opinions I was offering.

20 I've had, in various context in testimony
21 I've offered, has been struck for various reasons.

22 Q. So I think you stated with regard to the

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1 audited financials that you thought the whole
2 thing would be a useful thing to have but you're
3 not sure it would change anything or was you to
4 change your opinions; is that right?

5 A. Well, I haven't seen it, so I don't know
6 what's in it.

7 Q. Okay.

8 A. Often -- you know, usually, you know, the
9 pages that were provided were certainly -- had I
10 been given everything but those pages, I'd have a
11 much harder time. Much less useful to me. Having
12 the whole thing would give me more background in
13 the context. And that's useful. But without
14 having seen it, I don't know what it would
15 have -- might have revealed.